

STATE OF COLORADO

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Dedicated to protecting and improving the health and environment of the people of Colorado

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**Colorado Department
of Public Health
and Environment**

January 6, 2003

Mr. Dale Vodehnal
U.S. EPA Region 8, Superfund Program
999 19th Street, Suite 500
Denver, CO 80202

Re: Vasquez Boulevard and I-70 Superfund Site, Denver, CO.
National Remedy Review Board

Dear Mr. Vodehnal:

The State of Colorado wishes to thank you for the opportunity to participate in the Remedy Review process for the Vasquez Boulevard and I-70 (VBI70) Site (Denver, CO). The state has been an active participant in the CERCLA process since the listing of the site in 1998.

The Colorado Department of Public Health and Environment (CDPHE) has been providing administrative and technical oversight at the Asarco Globe Site, which is immediately adjacent to the VBI70 site, since July 1993 when the State of Colorado and ASARCO reached a settlement to clean up the site. In December 1983, CDPHE sued ASARCO for damages to natural resources using EPA's Comprehensive Environmental Response, Compensation, and Liability Act (Superfund). Because of this suit, CDPHE and ASARCO entered into an agreement in 1987 to conduct joint studies to determine the extent and nature of the site contamination.

The CDPHE brought the VBI70 site to the U.S. EPA's attention after studies resulting from the Asarco Globe Site indicated that levels of arsenic in soils were not decreasing with distance away from the former Globeville smelter. Because of the findings in the southern portion of the Asarco Globe site, and results of a Site Investigation conducted by CDPHE at the former Omaha and Grant Smelter location, EPA decided to conduct further investigations for metals contamination in soils. These investigations culminated in placing the VBI70 site on the National Priorities List in 1998.

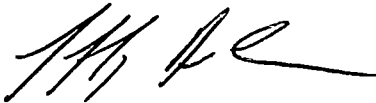
The state has consistently taken the position that all impacted Denver communities should receive equal protection and that the citizens in the VBI70 area deserve a cleanup that is at least as protective as the cleanup provided to residents of the Globeville neighborhood. Such a cleanup would correspond to a risk range of 3×10^{-5} to 8×10^{-5} . Based on site-specific information obtained for VBI70, this corresponds to a cleanup level for arsenic in soil that would fall between 42 ppm and 128 ppm.

The state supports selecting a more protective cleanup level than was offered in the Proposed Plan because the community has consistently expressed concern about the potential for multiple or cumulative exposures to human health or environmental hazards in their communities. The alternative before you today, while more costly, is a good investment in confronting some of the community's concerns. The new alternative will provide an extra level of protectiveness to help address specific Environmental Justice concerns, other chemical exposures in the VBI70 community, and evidence of additional cancer burden in the community, all of which indicate that this community might benefit from additional risk reduction strategies.

The state commends EPA for the thorough and scientific approach used in evaluating risk at the VBI70 site. We can be confident that this alternative significantly increases the community's comfort level and provides a sense of fairness by applying environmental protection equitably among neighbors.

We look forward to meeting with you in Denver. Please do not hesitate to call me at (303) 692-3387 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Deckler', with a stylized flourish at the end.

Jeffrey Deckler
Remedial Program Manager
Hazardous Materials
and Waste Management Division

CC: Ginny Brannon, AGO